

MAINE STATE LEGISLATURE

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January 4, 1968
Board of Registration
of Land Surveyors
Attorney General

William H. Bradford, Exec. Secretary
Garth K. Chandler, Assistant

Construction of P. L. 1967, c. 423

You have asked in your letter of November 14, 1967 the following questions not answered by my opinion of November 21, 1967 with regard to P. L. 1967 c. 423 - An Act Providing for the Registration of Land Surveyors.

QUESTION 1:

Will a person not a land surveyor be able to file or have a plan recorded in view of 33 M.R.S.A. § 657?

ANSWER 1:

Yes.

OPINION 1:

A person who causes lotting to be done whether or not the acts of the lotting come under the definition of P.L. 1967, c. 423 § 1662 does not have to be a land surveyor. Thus, the person who causes the lotting to be done is given the responsibility under 34 M.R.S.A. § 657 of making certain the plan is recorded. Were the plan to be the result of acts defined in P.L. 1967, c. 423 § 1162 then the plan of course would have to bear the signature and seal of a registered land surveyor.

QUESTION 2:

Does not the land surveyor law P.L. 1967, c. 423 supersede the requirements of 33 M.R.S.A. § 657 and thereby requires all plots of land parcels or subdivision plans to be filed by a registered land surveyor under his signature and seal?

ANSWER 2:

No.

OPINION 2:

As stated in Opinion 1 above, non-land surveyors may file plans under 33 M.R.S.A. § 657. Furthermore, the actual act of the "filing" under P.L. 1967, c. 423 may be carried out by a person not a land surveyor although what is filed may have to bear the signature and seal of a registered land surveyor.

William H. Bradford

January 4, 1968

QUESTION 3:

In view of 1 and 2 above, should the Register of Deeds be advised that all such documents being filed under 33 M.R.S.A. § 657 and P.L. 1967, c. 423 must bear the signature and seal of a registered land surveyor?

ANSWER 3:

No.

OPINION 3:

The Register of Deeds is charged with the obligation of registering documents; and not to police the laws with regard to land surveying. He should not be placed in the position of judging whether or not acts come under P.L. 1967, c. 423, or any other statute.

GKC/mf

Garth K. Chandler
Assistant Attorney General